

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 13, 2004

H025988 PEOPLE v. NGUYEN

The judgment is reversed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed September 13, 2004

TUESDAY, SEPTEMBER 14, 2004

H025981 PEOPLE v. BROWN

BY THE COURT\*:

Appellant's petition for rehearing is granted for the limited purpose of allowing the parties to file supplemental briefs on the issue of *Blakely v. Washington*.

Appellant may file a supplemental brief within 15 days from the date of this order. Respondent may file a responsive brief within 10 days thereafter and appellant may file a reply supplemental brief 5 days after any responsive brief is filed.

The matter will be resubmitted upon completion of supplemental briefing.

(Mihara, J., Bamattre-Manoukian, Acting P.J. and McAdams, J. participated in this decision.)

Dated: September 14, 2004 Bamattre-Manoukian, Acting P.J.

H025157 PEOPLE v. GIRON

The verdict on count 1 is ordered modified to a conviction of Penal Code section 288a, subdivision (c)(1), and a corrected copy of the abstract of judgment is ordered forwarded to the Department of Corrections. In all other respects, judgment is affirmed. The cross-appeal is denied. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Walsh, J.\*)

Filed September 14, 2004

\*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026332 PEOPLE v. DANIEL M.

The jurisdictional and dispositional orders are ordered modified to strike the finding sustaining count 5, the allegation that alleged a violation of section 415, subdivision 1. As so modified, the jurisdictional and dispositional orders under review are affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed September 14, 2004

Sixth Appellate District

San Jose, California

Tuesday, September 14, 2004 (continued)

H025679 PEOPLE v. JONES, et al.

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed September 14, 2004

H025810 PEOPLE v. VALENZUELA

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., McAdams, J.)  
Filed September 14, 2004

H026772 PEOPLE v. JOSEPH R.

The order is affirmed. (not published)  
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)  
Filed September 14, 2004

WEDNESDAY, SEPTEMBER 15, 2004

H026796 SAN JOSE MERCURY NEWS, INC. v. CRIMINAL GRAND JURY OF SANTA CLARA COUNTY, et al.

The order of the superior court denying the San Jose Mercury News's petition for a writ of mandate is affirmed. (published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed September 15, 2004

H026312 PEOPLE v. MENDOZA

H027479 MENDOZA on Habeas Corpus.

The judgment is affirmed. Defendant's petition for habeas corpus is denied. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed September 15, 2004

H026130 BECKER v. KAJIKURI

The judgment awarding Kajikuri costs of suit is affirmed. Kajikuri's motion for sanctions on appeal is denied. Kajikuri shall recover his costs on appeal. (not published)  
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)  
Filed September 15, 2004

Sixth Appellate District

San Jose, California

Wednesday, September 15, 2004 (continued)

H027024 PEOPLE v. SCOTT P.

The juvenile court's disposition order that reflects probation conditions 8 and 9 is modified to read as follows: 8. Do not directly or indirectly contact the victims, or any person you know to be a member of the victims' family; do not go within 100 yards of places you know to be the victims' residence, school or place of employment, or within 100 yards of any vehicle you know to be a vehicle belonging to one of the victims. 9. Do not use or possess alcohol/narcotics, drugs, or other controlled substances without the prescription of a physician; do not traffic in, or associate with persons who you know to use or traffic in narcotics or other controlled substances. Except to the extent of this modification, we affirm the juvenile court's disposition order. (not published)

(Elia, J.; We concur: Rushing, P.J., Mihara, J.)

Filed September 15, 2004

H026619 MAUNDU v. E-BAY, INC.

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: September 15, 2004

\*Before Rushing, P.J., Premo, J. and Elia, J.

THURSDAY, SEPTEMBER 16, 2004

H025817 CLIFFORD v. PECK

The judgment on special verdict is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed September 16, 2004

H026428 YAQUB v. SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM, et al.

The judgment is reversed. The trial court is directed to grant appellant's petition for a writ of mandate and order the challenged decision to be set aside. Costs on appeal are awarded to appellant. (published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed September 16, 2004

H024861 CARROLL v. FREDERICKSON, as Trustee, etc.

The judgment of the trial court is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed September 16, 2004

Sixth Appellate District

San Jose, California

FRIDAY, SEPTEMBER 17, 2004

H026092 PEOPLE v. UPTON

The judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed September 17, 2004

H025041 MARRIAGE OF BHATIA

The judgment of the trial court is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed September 17, 2004